



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/09/2020

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PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.9904 of 2020

Zakeer Hussain

... Petitioner/Sole Accused
(Rank not known)

Vs

The State Rep. by
The Inspector of Police,
CSCID - Kuzhithurai Police Station,
Kanniyakumari District
Crime No. 107/2020.

... Respondent/Complainant

For Petitioner : M/s.R.Pon Karthikeyan,
Advocate.

For Respondent : M/s.S.E.Veronica Vincent,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No. 107 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner who arrayed as A-1 apprehending arrest at the hands of the respondent police for the offences punishable under section 6(4) of Tamil Nadu Scheduled Commodities (RDCS) Order, 1982 and Section 7(1)(a)(2) of Essential Commodities Act, 1955, in Crime No.107 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is arrayed as A-1 who is owner of the vehicle. The allegation is that the respondent police has found that A-2 who is driver of the vehicle has illegally transported 700 Kgs of PDS Rice. On seeing the police, A-2 left the vehicle namely; Toyota Innova Car bearing Regn. No. TN-60-V-1234 and the investigation revealed that A-2 is driver of the vehicle. Hence, the complaint.



3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (criminal side) appearing for the respondent.

4. The learned counsel appearing for the petitioner submitted that he is owner of the vehicle and he has no knowledge about the alleged illegal transport of PDS rice. He further submitted that without his knowledge, A-2 has illegally transported the PDS rice. Hence, he seeks anticipatory bail.

5. The learned Government Advocate (criminal side), on instructions, submitted that A-2 who is driver of the vehicle is still absconding and the offending vehicle was seized.

6. Considering the fact and circumstances of the case and considering the fact that the offending vehicle was seized, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.III, Nagercoil, and on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that,

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police as and when required for interrogation.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

(f) if the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

17/09/2020

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE No.III, NAGERCOIL.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
CSCID - KUZHITHURAI POLICE STATION,
KANNIYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.9904 of 2020
Date :17/09/2020

KSA
TE/JC/SAR-III : 21/09/2020 : 3P/5C